

Court ADR Programs for Domestic Relations Cases

2005 Annual Report

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Domestic Relations Committee
Judicial Conference of Indiana

Hon. David A. Ault
Montgomery Superior Court

Mag. Craig J. Bobay
Allen Circuit Court

Hon. David Bonfiglio
Elkhart Superior Court

Hon. David C. Chapleau
St. Joseph Superior Court

Hon. William C. Fee
Steuben Superior Court

Hon. Mary Margaret Lloyd
Vanderburgh Superior Court

Hon. Roderick D. McGillivray
Bartholomew Superior Court #2

Hon. Keith A. Meier
Warrick Superior Court

Hon. Robyn L. Moberly
Marion Superior Court

Mag. Nanette Raduenz
Lake Superior Court, Room 3

Hon. Michael P. Scopelitis, Chair
St. Joseph Superior Court

Hon. Nicholas L. South
Scott Superior Court

Hon. Richard G. Striegel
Senior Judge

Staff:

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Division of State Court Administration
(317) 232-2542

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Indiana Judicial Center
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Alternative Dispute Resolution Fund for Domestic Relations Cases

History of Development

Alternate Dispute Resolution in domestic relations cases began by courts as a pilot project authorized by the Commission on Courts in Allen Circuit Court in 1997. The pilot project was authorized by law to collect a \$20.00 fee at the filing of a dissolution case. The money was used for mediation services ordered by the court. The project was originally authorized from January 1, 1998 through July 1, 2000. The Judicial Conference of Indiana was charged with monitoring the pilot program by receipt of a report each year and assigned this duty to the Domestic Relations Committee.

These reports charted the progress of Allen County's program noting differing strategies used to help families. The basic concept tested was whether mediation provided to spouses at the beginning of a dissolution case would prevent lengthy adversarial court hearings over custody and parenting time. The concept was successful, greatly reducing the need for hearings at the beginning of the case and after the dissolution was granted. The length of time reserved for Allen Circuit Court in divorces was greatly reduced by use of this process.

The pilot program was reauthorized in 2000 from July 1, 2000 through July 1, 2002. The statute authorizing the pilot program expired in 2002. In 2002, authorization for the pilot project in Allen County ended. However, efforts were already underway to permit the use of this program and funding mechanism by courts statewide. The Indiana General Assembly passed House Enrolled Act 1034 in 2003, authorizing for the first time the creation of alternate dispute resolution programs in domestic relations cases in each of Indiana's 92 counties. The act was effective on July 1, 2003.

Seven (7) counties submitted plans to operate a program by January 2004, in Allen, Henry, Marion, Monroe, Porter, Putnam, and Starke counties. By January 2006, eighteen (18) counties had approved ADR programs, which included participation of thirty (30) courts.

Present ADR Program

The Alternative Dispute Resolution Program in Domestic Relations cases under Indiana Code § 33-23-6 permits a county to collect a \$20.00 fee from a party filing for a legal separation, paternity or dissolution case. This fee is placed in a separate fund and may be used for mediation, reconciliation, nonbinding arbitration and parental counseling in the county in which it is collected. Courts within a county are permitted to combine the funds from each court. Persons below the federal poverty level are twice as likely to participate in the program than those above the federal poverty level.

Courts in any county wishing to participate in this program must develop a plan to provide mediation, reconciliation, nonbonding arbitration and/or parental counseling in domestic relations and/or paternity cases. The plan must be approved by a majority of the judges in the county and be submitted to the Judicial Conference of Indiana. The Division of State Court Administration must approve the plan under ADR Rule 1.11 also. The Division uses the Standards and Guidelines for the Establishment of Alternative Dispute Resolution Fund Plans

developed by the Domestic Relations Committee of the Judicial Conference of Indiana for approval of each county's plan.

Types of ADR Programs

The Division of State Court Administration approved plans in the following areas: mediation services for litigants; mediation days each year; payment for training of attorneys and others in exchange for handling a number of mediation cases in a set period of time; payment of an administrator to provide intake services, education of parties about the process, and distribution of cases to mediators; parental counseling and other ADR services. Courts in various counties are creative in the use of the ADR funds to provide a wide range of alternative dispute resolution services under the statute including facilitation, conflict resolution classes, anger management classes, parenting coordination and intensive in-home case management, all which fall under the general categories of parental counseling and reconciliation listed in the ADR statute.

Website for ADR Programs

A website containing the following helpful information to courts seeking to develop their own ADR plan contains:

- Standards and Guidelines for the Establishment of ADR Fund Plans
- Annual Report Form
- Frequently Asked Questions about the Allen County ADR Project
- Sample Budget for ADR Fund
- Sample Mediation Order

Other information is also available at this website. See:

http://www.in.gov/judiciary/center/committees/dom_rel/adr/index.html

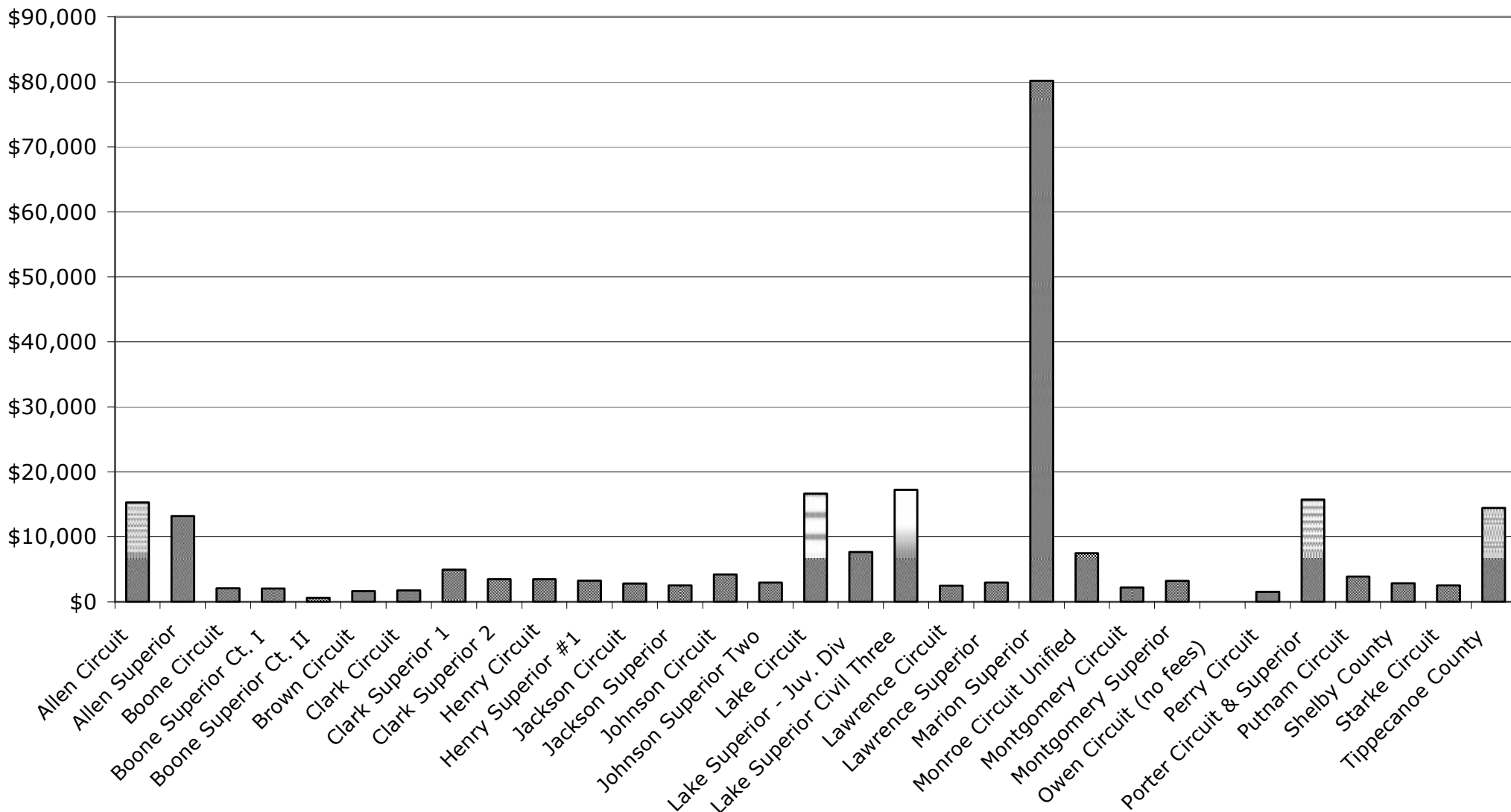
Annual Reports

Each year every county participating in the program must report the results of the program to the Judicial Conference of Indiana. This following information is compiled from those reports:

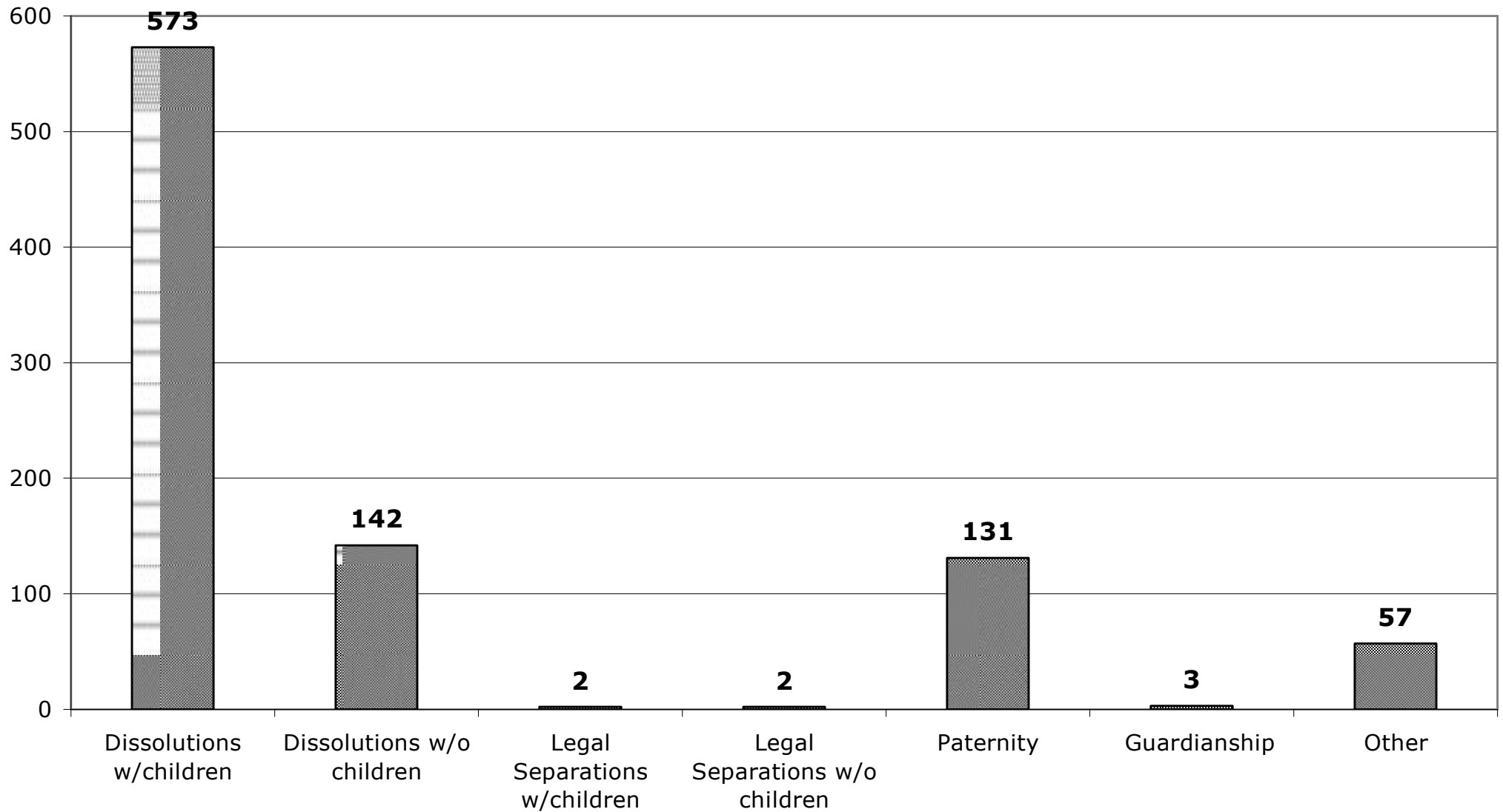
1. ADR Fees Generated by Courts
2. Total Number and Types of Cases Accepted from December 2004 Through November 2005
3. Total Number and Types of Cases Accepted from December 2004 Through November 2005 - Percentages
4. Cases Accepted By Poverty Level
5. Method of Resolution of ADR Plan Cases
6. Number of Children Served

For more information about these programs, contact Jeffrey Bercovitz, Indiana Judicial Center, (317) 232-1313, jbercovi@courts.state.in.us or Leslie Rogers, Division of State Court Administration, (317) 232-2542, lrogers@courts.state.in.us

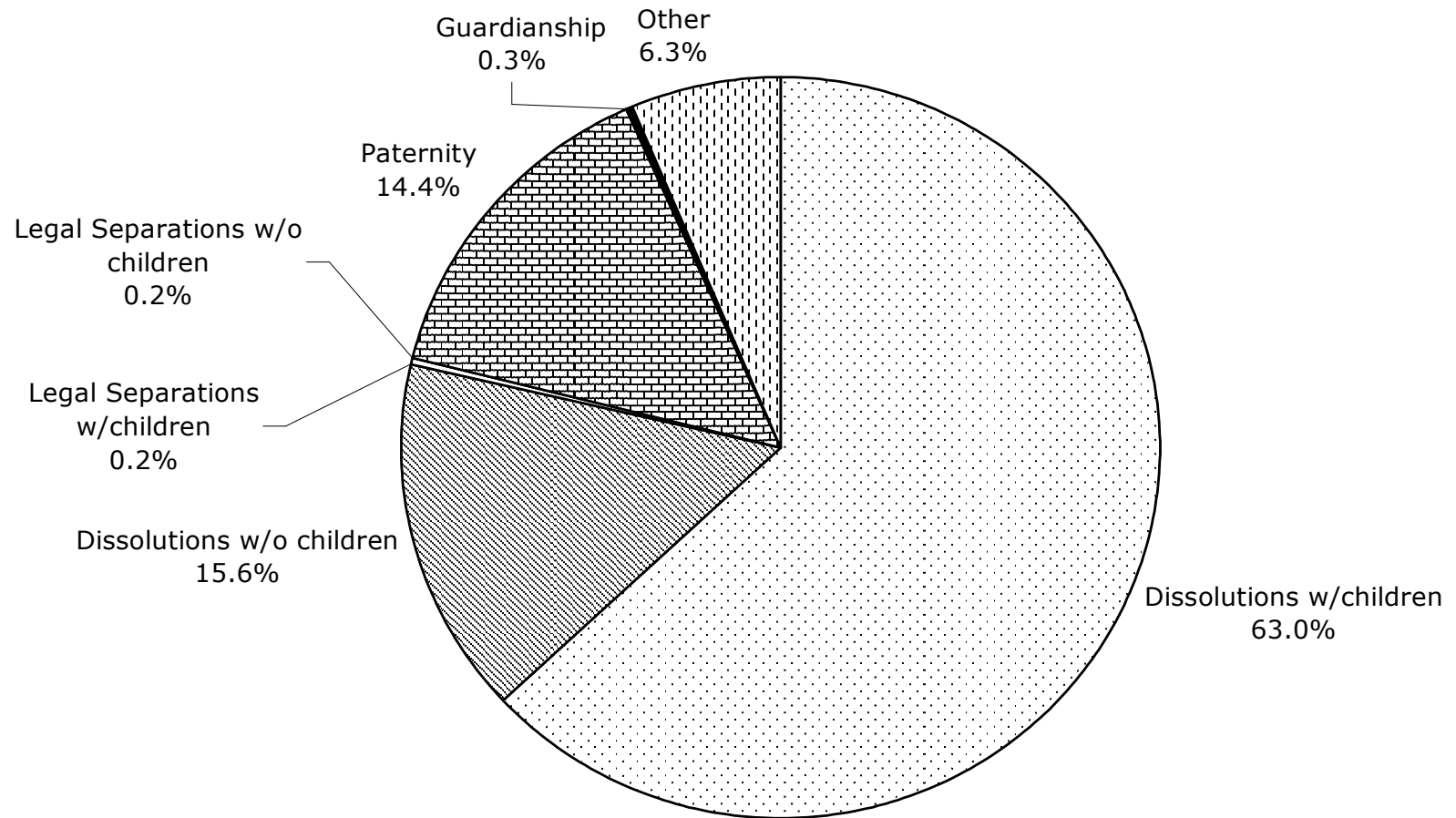
ADR Fees Generated By Courts



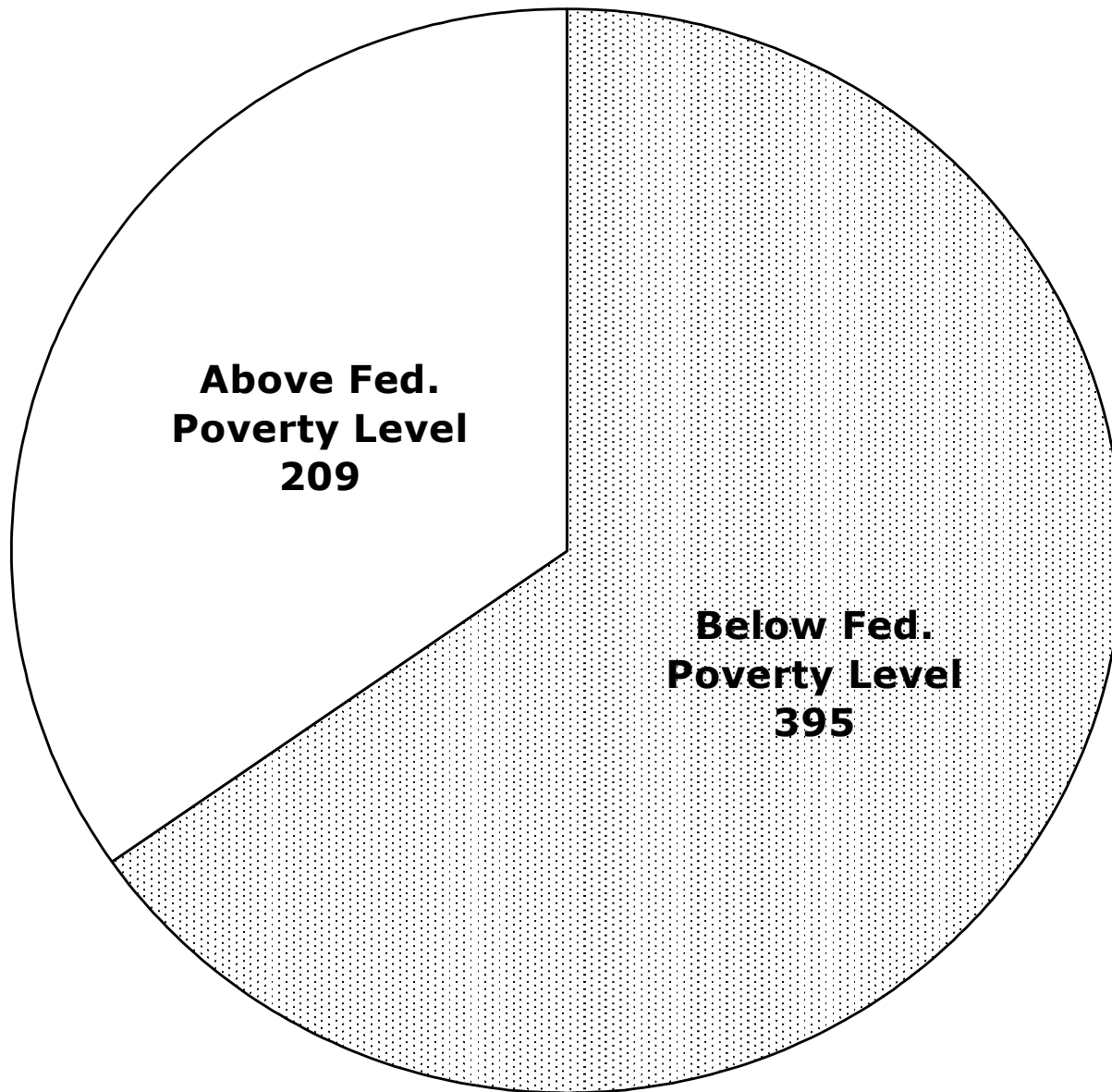
**Total Number and Types of Cases Accepted
December 2004 through November 2005**



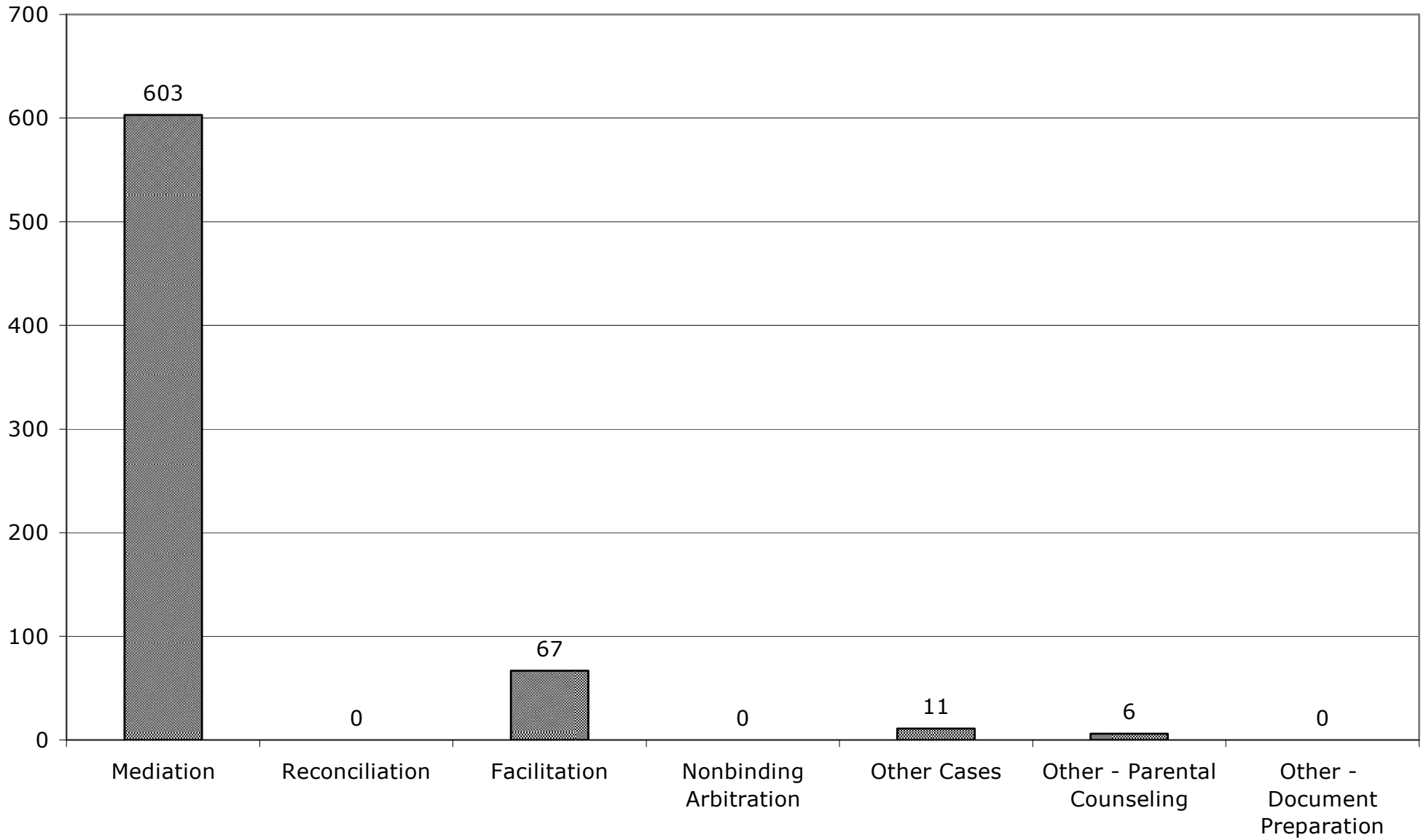
**Types of Cases Accepted
December 2004 through November 2005**



Cases Accepted Based On Poverty Level



Method of Resolution of ADR Plan Cases



Number of Children Served

